

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,357,043 to Ellis et al. The Examiner has further rejected claims 1, 3-13, 17 and 18 under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. in view of U.S. Patent 5,253,066 to Vogel.

The Ellis et al. patent discloses an electronic television program guide with remote product ordering, in which, in a sub-menu, the electronic television program guide includes a channel listing of available channels and a program listing of programs associated with a selected one of the available channels.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 15 includes the limitation "wherein only said channel list is provided in response to a first activation of said access switch, and both said channel list and said program list are

provided in response to a second activation of said access switch, or in response to activation of a program switch of said controller subsequent to said first activation of said access switch."

While Ellis et al. discloses a button in the EPG for accessing the channel list, quite necessarily, in order to access the button, the EPG must already have been displayed. In particular, the user must first press the "MENU" button, select the program bar 61 in Fig. 6, and then select the channel and the I button (Fig. 18) in order to get to the screen shown in Fig. 20.

As described in the subject specification on page 1, lines 12-23, as the number of channels increases along with the available programs on these channels, a user is faced with an overwhelming situation - information overload. The subject invention seeks to simplify the use of the electronic program guide. As claimed in claim 15, upon activation of the EPG using the access switch, the amount of information shown to the user is limited to a listing of the available channels. As such, the user is not presented with an overwhelming amount of information, and is able to navigate through the channels with relative ease.

The Vogel patent discloses a TV recording and viewing control system, in which, in response to pressing a "P" (PROGRAM) button, a display, as shown in Fig. 3, is displayed and includes a list of scheduled programs for each available channel, the available channels being shown along with the date in a channel indicator box 303 which may be scrolled.

The Examiner has indicated "In an analogous art, Vogel discloses a channel guide (figure 3) that is presented to the user. The channel guide is presented to the user as a list of channels (channel 2, channel 3 across the top) and the related programs that are scheduled on the particular channel). The user can scroll horizontally to select more channels, or vertically to see more programs associated with the selected channel (column 5, lines 13-37)."

Applicant submits that the display of Vogel is no different than other prior art program guides that display a program listing along with a channel listing, i.e., the user is faced with information overload. As described above, the subject invention seeks to simplify the use of the electronic program guide. With that in mind, the subject invention, as claimed in, for example, claim 1, includes "a controller for controlling said device and said processor, said controller having accessing means for causing said processor to access said electronic program guide, and for controlling said processor to cause said device to display only said channel list of said electronic program guide in response to an initial activation of said electronic program guide by said accessing means, and wherein said accessing means subsequently controls said processor to cause said device to display both said channel list and said program list in response to said accessing means accessing said programs list" (a similar limitation appears in each of the independent claims). As such, upon initially

activating the electronic program guide, the user is only presented with a list of available channels.

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1, 3-13, 15, 17 and 18, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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